

# PLANNING COMMISSION MEETING

## A G E N D A

TOWN OF CHINCOTEAGUE

July 18, 2007 - 7:00 P.M. – Council Chambers - Town Hall

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

PUBLIC PARTICIPATION

AGENDA ADOPTION:

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1. Adoption of June 26, 2007 Minutes
2. Public Hearing for Possible Zoning Changes to Condominiums, Townhouses, and Multi-family dwellings in C-1, and C-2 Districts. (*Information in previous agenda packet*).
3. Public Hearing for Conditional Use Permit Application- Ms. Christine Schreiberstein (*Information in previous agenda packet*).
4. Sight Distance Triangles, Code vs. Ordinance **Postponed from 6/26/07**
5. Landing for Exterior Doors **Postponed from 6/26/07**
6. Building Permit Update **Postponed from 6/26/07**
7. Sign Ordinance- Town Attorney's Observations
8. Commission Members Announcements or Comments  
(*Note: Roberts Rules do not allow for discussion under comment period*)

ADJOURN:

## **Town of Chincoteague Planning Commission Meeting**

June 26, 2007

### **Minutes**

#### Members Present:

Mr. Robert Behr  
Hon. Ellen W. Richardson  
Mrs. Mollie Cherrix

Mr. Chuck Ward  
Mr. Ray Rosenberger, Chairman

#### Members Absent:

Mrs. Jane Wolffe  
Mr. Thomas Derrickson

#### Staff Present:

Mr. Kenny Lewis, Building and Zoning Administrator  
Mr. Jared Anderson, Director of Planning

#### 1. Call to Order

Chairman Rosenberger called the meeting to order at 7:00 p.m.

#### 2. Roll Call by Mr. Kenny Lewis

#### 3. Invocation followed by Pledge of Allegiance

#### 4. Public Participation

NONE

#### 5. Adoption Agenda

There was a motion and a second to adopt the agenda as presented. The motion was unanimously approved.

#### 6. Conditional Use Permit-Ms. Christine Shreibstein

The second item on the agenda is an application for a conditional use permit for Ms. Christine Shreibstein of 6225 Clark Street. Ms. Shreibstein was present to answer any questions the Planning Commission might have. The applicant explained that there were two driveways on

the property, one small driveway, and a larger driveway where clients could possibly park off-street. There will be no signage on the property for potential clients.

Mr. Ward stated that his concern's come from the fact that there already is a business license for the property, as a rental home. Mr. Ward also asked the applicant how much of the house would be used for the business, by which the applicant responded that approximately 200 square feet of the house would be used for business, however there will be no retail sales.

Mr. Lewis stated that the purpose of having this item on the agenda was primarily to get information about the intended use that is being applied for in the conditional use permit application. The question to the Planning Commission should be "should this use be permitted?"

The applicant stated that the use should be described as 'Complementary Medicine.' Mr. Behr asked the applicant if there is any training that was necessary for her line of work, the applicant stated that she was certified through her instructor but there is no standard certification process in the United States for Crystal Therapy.

Seeing as though the purpose of this evening was to gather facts about the intended use, Mr. Ward made a motion seconded by Ms. Cherrix to send this matter to public hearing and that a date would be determined later. This motion was unanimously approved.

#### 7. Pony Pines Major Subdivision

Representing the Pony Pines Subdivision Project were Mr. Fred Schmidt, Jr. (managing partner), Mr. Robin Kohn (architect), and Mr. Cooley (engineer). Mr. Schmidt explained that since their meeting with the BZA the developers have been contemplating the elimination of Units 18 and 19 in favor of a swimming pool. Mr. Schmidt stated that they also have an option to change the orientation of the decks so they would be facing a different direction. Mr. Ward stated that he likes the idea because it allowed for the decks to be facing towards the pool so people could watch their kids.

Mr. Behr then stated that there had been some issues with water runoff, he asked if the developers could explain the situation. Mr. Schmidt stated that the engineer working on the project, Mr. Cooley did not feel as though the site needed off-site drainage. Mr. Schmidt then asked if the Planning Commission could relieve the developers of the condition set forth by the BZA which required Pony Pines, LLC to provide off-site drainage. Mr. Lewis stated that if the developers wanted to be relieved of the conditions set forth by the BZA then they need to go back to the BZA, because the Planning Commission does not have that power. He also stated that Pony Pines LLC could only appeal the conditions set forth by the BZA within 30 days of the hearings, and since they did not take action within the specified time they cannot appeal the BZA's decision.

Mr. Ward asked if the developer would be willing to move the street light fixtures down from 25 feet to a lower distance so as to reduce light noise to surrounding area. The developers stated they would look into that.

It was also stated by Mr. Lewis that neither himself nor the roads engineer, Mr. Cosby have sign off on the plat.

Mr. Schmidt raised concerns about the proposed zoning changes in C-1, and C-2 to Townhouses, Condominiums, and Multi-Family Dwellings and how they could affect Pony Pines. Mr. Lewis stated that only if there was an approved plat would a project be grandfathered.

Mr. Rosenberger allowed citizens to voice their concerns during a public comment period. The first citizen was Mrs. Audet who is an adjoining property owner. Mrs. Audet has concerns about appearance of the above ground septic systems that were being placed close to her property. She asked why the septic systems could not be placed in another section of the lot. Mr. Ward suggested that the developer put fencing at the ten foot setback line and then add landscaping to enhance the aesthetics of the project.

Mrs. Joyce Crawford who is the secretary for the Grand Bay Homeowners Association came to the meeting to represent the association. She said that many of the residents do not have a problem with the project itself; however they have concerns over drainage from Pony Pines disturbing the pond. She said that homeowners also have concerns over the number of parking spaces in the development.

Lastly, Ms. Ann Swift who owns the Assateague Channel Marina and Lodge stated that she has no problems with the Pony Pines development, and considering the previous use she welcomes the proposed residential use.

To answer some of the concerns of the adjoining property owners Mr. Cooley stated that the slope of the land at the project site is situated so that run-off will go towards the channel and not the pond. He also stated that the amount of impervious surface on the lot will stay relatively the same as before. Additionally, he said the reason the septic systems are going to be located where they are is because that is the only undisturbed ground on the lot.

Mr. Ward made a motion to delay a decision on the plat until the developer can come back with the changes indicated, there was a second. The motion was approved unanimously.

#### 8. Channel Breeze

This item was put on the agenda so that the proper signatures could be put on the final plat. For some reason the planning commission approved that project but the proper entities did not sign off on the plat.

#### 9. Sunset Bay

Mr. Ingram an Attorney for Sunset Bay began by stating that the developers identified a parcel of land that could be suitable for additional units. These units would be located on the south end of Phase I. As required by state agencies Sunset Bay must provide 15 transient boat slips in their marina. The parking for these transient boats slips will be provided on a parcel along Main Street that is contiguous with the rest of the project by way of a 10 wide passage.

Mr. Ingram also stated that within the condominium association regulations there is to be no boat trailers allowed on the property.

The representatives of Sunset Bay also felt that the parking space requirement was excessive. They felt that it was a misinterpretation of the code to round up from 1.2 parking spaces per living unit (bedroom). It increased the number of parking spaces in Sunset Bay by 42 spaces. The representatives asked the Planning Commission to reconsider the conditions. The representatives stated that they would propose to use the freed-up land to landscape and add more green space.

Mr. Behr asked if the developers were given back 42 parking spaces (if per se the code was interpreted differently) what would keep them from putting up more units. The attorney stated that it was not in their plans and they would have to get consent from each of the association members at this point in time.

Mr. Rosenberger stated that VDOT has concerns over the amount of ingress/egress points there are for new development. Mr. Ingram stated that there are only the main access point and the proposed access point with the proposed transient boat slip parking lot.

Photographs were handed out to all the Planning Commissioners and staff. These pictures showed the parking lot at Sunset Bay during the weekend. At the time the photographs were taken 32 out of 71 units were closed on. The photograph showed limited use of the parking lot.

Mr. Ward had concerns about putting the additional units in and how it could make it more difficult to suppress a fire on the waterfront side. If they left the side open it might be easier to access the waterfront. Mr. Obrecht stated that there are at least five access points for fire suppression mainly through the breezeways. Another related concern brought up by Mr. Rosenberger is that the hydrant located near the Coast Guard Station is a 'dry' hydrant. Since this hydrant will pull water from the channel it is necessary that the hydrant receive routine maintenance so that it does not close up with barnacles.

Mr. Ward made a motion to approve this plat, seconded. Unanimously approved.

#### 10. Proposed Zoning Changes to Condominiums, Townhouses, and Multi-Family in C-1, and C-2 Districts

This item was sent from the Town Council to the Planning Commission for their recommendations on proposed zoning changes.

Mr. Ward asked what the issue is with R-3 districts and any commercial districts. Mr. Lewis stated that currently condominiums, townhouses, and multi-family dwellings are permitted in C-1 and C-2 as a matter of right. The town uses R-3 area setbacks and size requirements for these uses in the C-1 and C-2 district.

Councilman Wolffe came to the podium to help explain things. He said that the Council decided to send to the Planning Commission two different alternatives for area and setback requirements. The first alternative was to link the area and setback requirements of the

proposed conditional use permit to the R-3 district. The second alternative is to leave the area and setback requirements up to the discretion of the council for each conditional use permit.

Mr. Behr asked if an applicant would have the ability to appeal a decision on a Conditional Use Permit application. Mr. Lewis stated that the applicant would be allowed to appeal to the Circuit Court.

Mr. Ward has concerns about using the R-3 area and setback requirements for the proposed rezoning of C-1 and C-2, because it does not allow for much flexibility. Mr. Rosenberger does not feel comfortable with eliminating one of the alternatives before the public hearing, it is his suggestion to leave both alternatives until the Planning Commissioners have received some feedback from citizens. There was a motion by Mrs. Richardson for the Commission to hold a public hearing for the Conditional Use Permit and the possible rezoning on July 18 at 7:00 pm. The motion was unanimously approved.

11. Site Distance Triangle Code vs. Ordinance- Motion to Postpone

12. Landing for exterior doors- Motion to Postpone

13. Building Permit Update-Motion to Postpone

14. Planning Director's Update

Mr. Anderson stated that there was an area outside the Council Chambers that depicted what a 3 x 3 ft. landing looks like as opposed to a 5 x 5 ft. landing (what is being proposed by staff). He also wanted to remind the Planning Commissioners that there was going to be a joint meeting with the Council to view the latest work done by the consultant Redman & Johnston regarding the Comprehensive Plan Update.

Commission Members Announcements or Comments

NONE

There was a motion and a second to adjourn the meeting.